

2009-03-19 CAC Notes

Present: Jim Satterfield (Facilitator), Lee Anderson, Dave Landstrom, Mark Sheets, Joe Morey, Don Clark, Tony Anderson, Jon Dahlberg, Alan Wood, Terry Conner, Darrell Coverdell, John Fraley, Jim Williams, Tom Ray, Paul Sihler, Jerry Sorensen, Dan Savage, Joel Tohtz, Kristy Personett, Jim Vashro

Jim Satterfield opened meeting with introduction of members and guests, and gave an overview of the role of CAC members.

Plum Creek Land Issues: Jerry Sorensen, Director of Land Asset Management and Tom Ray, VP Resources & Manufacturing, Plum Creek

Jerry Sorenson provided a history of Plum Creek (PC) land acquisition & management as follows:

1. Real estate - PC was purchased from Burlington Northern in 1989 and included lands in WA, ID, and MT. In 1993 they doubled the MT ownership to 1.5 million acres with acquisition of Champion lands. Today PC owns over 7 million acres in 19 states; in MT ownership is about 1 million acres. Since 1989, PC sold about 575,000 acres in NW MT. Plum Creek has a long history of seeking conservation buyers and 70% of sales have been for conservation. The balance of about 150,000 acres has been split between sales of large timber tracts and smaller recreation tracts. In 2003, they also completed one of the largest conservation easements in the nation - 142,000 acres in the Thompson/Fisher. Plum Creek started their real estate program in 1996. More recently, over last 5 years sold 427,000 acres (80% went to conservation). About 9% or 40,000 acres went to smaller private sales. Plum Creek has also done a few developments on 3,000 acres and created about 300 lots.

2. Montana Legacy Project (Montana Working Forest Project) with The Nature Conservancy (TNC) and the Trust for Public Land (TPL) – TNC & TPL approached PC with the idea and negotiated the project over several months. The project started out as twice the size it is now.

-Phase 1 closed in Dec. and is 129,300 acres including Fish Creek, Lolo, and Potomac.

-Phase 2 closed in Feb. and is 111,700 acres mostly in Swan, Lolo checkerboard, and other checkerboards east of Missoula and in Seeley area; this is the heart of the project. All this land will be transferred to Forest Service ownership. Senator Baucus acquired congressional funding for most of this through the farm bill.

-Phase 3 is 70,000 acres and includes north Swan, Mill Creek, and Marshall Block area west of Seeley. The Legislature may provide funding for DNRC to acquire some Phase I & III acreage. Possibility of some lands being in private ownership.

Question – Will TNC provide access? They said it would be status quo but can't guarantee all of that; intent is to keep it open. All easements, etc. will be transferred with ownership. Following the meeting, FWP contacted TNC to clarify their access policy. TNC has an open lands policy similar to PC (see attached).

3. PC Public access – Historically, PC has had an open land policy on their lands. All of their conservation sales and CE projects provide public access. They try to assess the public

access situation with individual sales and try not to block access to other lands if that is only route. It is a difficult problem if they retain rights for public thru a property they sell then someone has to assume liability and it needs to be a public entity. To date counties have been reluctant as had USFS, but they are looking at options.

Are there restrictive covenants on what you sell? No, except on riparian areas around fish bearing streams. They mirror the SMZ law for native protection areas.

Is there public review on subdivisions? Yes, extensive public review except on smaller tracts.

(Paul Sihler): FWP has proposal for funding permanent access agreement (easements). There could be new options to work with PC because of this.

4. Cost share - Since the 60's PC has exchanged easements and shared roads with the USFS; this is known as the cost share road system and allows for a road system to be built in national forest and allows for public to access the road as it crosses other private land (i.e. PC gave public rights). PC shares 2000 miles of road with USFS - 1100 on PC land and 900 on USFS (post-Legacy this reduces about 30%). PC shares about 200 miles of cost share roads in Flathead County and 600 miles in Lincoln County. Easements are broadly written for all purposes deemed necessary and PC has always interpreted them as full use (loosely). Local rangers on a couple of private sales questioned these rights. So PC went to Washington, DC for clarification from Office of General Council (OGC) at Forest Service (to PC it was a legal matter). FS agreed PC has rights but asked them to consider amendments to clarify responsibilities of maintenance for new parties, measures to protect public use, and some fire-wise provisions. This became a major controversy and PC dropped the amendment process at the end of the year. PC is currently trying to work at the local district level to address concerns that FS has.

Tom Ray on Block Management – From PC's point of view it is a very good deal. The enforcement their land receives and the biological work FWP does and shares.

MT Legacy - How do you transfer land to Federal Government yet retain the right to harvest timber without bid? We have a 10-year reservation with 5-year option for timber (certain amount of board feet). It's not specific to the land but has volume targets for different products each year. TNC harvests and sells to PC; they have to follow harvest guidelines.

General discussion related to **public use** of lands in MT Legacy project: changes they may see, how & where to get accurate, up to date information/maps, informing the public of the land ownership.

-PC contacts: Bill Frings in Kalispell & Tom or Jerry in Columbia Falls.

-Not many changes in the short term. Gates the same, USFS may sign more quickly.

-USFS will build lands into new management plan.

-TNC contacts are Carolyn Byrd, Jim Birky. Their intent is to not change anything. Maybe they would be interested in a block management agreement similar to PC.

Post meeting note – Alan Wood is working with regional folks on legalities of recreational access of these lands prior to transferring ownership to USFS.

Discussion on **access issues** PC faces such as litter control, road damage, “checkerboard” access across corners, etc. PC works with enforcement, supports counties green box program. Looking for suggestions. Not looking at recreation fee.

PC’s land sales are based on highest/best use. PC will capitalize on this, but they try to be sensitive and have balance with access needs. Local timberlands are retained to keep their mills open. Stillwater State Forest land is different with very high development value; they are looking at what will be best for it, but no immediate plans. Land doesn’t sell as quickly as people think; approximately 5-10 thousand acres per year.

Land exchanges in Montana? None now, they are political and tough to do.

Thompson/Fisher CE - Map being worked on. No development allowed. Only uses are timber management, public access, and rock extraction.

Trapping on PC land:

- Allowed on easement lands, but not on others. Recreational trapping is allowed. - Commercial activities on private land increase liability. This is a major concern with allowing trapping. PC is willing to look at this issue further.
- Suggestion that FWP could manage permission (if our regulations were followed) to alleviate liability. *Paul Sihler said this probably wouldn’t relieve PC’s liability.*
- Great P.R. for PC to find solution – 4,000 trappers in MT.
- Commercial/recreational trapping – where’s the line? Statutes would need changed to help private landowners.

Round Table:

- Mark S. – 1. Wolves were front page of Ledger. Hopefully Kent speaking will be helpful. Folks don’t understand the whole issue. 2. Fishing at Bitterroot Lake last week, checked by warden. Like to see that happen more often. 3. Over-grazing at Mt. Silcox, would like to see it stopped. Isn’t using rest/rotation.
 - FWP – Wolf protest went well, was successful interaction with public. CAC refinement of wolf talk has been very successful, as well as FH Wildlife input.
 - Tony A. – Must talk to the rank and file hunter and angler in layman’s language. After FWP presentation, issue has deflated.
 - Darrell C. – Hunters want to know how many wolves there are.
 - Paul S. – will be litigation to reverse delisting. Push to set quota – 50 wolves? – at reasonable level. FWP is being diligent to manage.
- Don C. – want to thank Jim & Alan for presentation to Libby Rod & Gun Club. Has done a lot to diffuse anger.
 - Tony A. – There is relief now with the delisting. FWP did good job. If overturned, it will be worse. Need to unite organizations, get Montanan’s together.
- Tony A. – How is high mountain lake project going?
 - Joel T.– moving along real well. Will have public meeting in May.
- Dave L./Jim S./John F. – New commissioner Bob Ream. Had low-key introduction to public. Not confirmed yet. Would be nice to have him at meeting with new members (May?). Will advertise for new members by 3/24.
- Jim S. – schedule discussion: New Commissioner, Westslope Cutthroat project? CAC still helping with WCT project?
 - John F. – yes, committee for news release.

- Jon D. – Take home message...average person learns at 5th grade level with lots of pictures. Not with scientific language. Access issues?
 - Dave L. – Lake 5: Received 60 sets of comments, compiled, drafting decision notice document. Church Slough: Commitment from Walleye's with Jim Vashro. Working with engineers & FH County for permitting. McGregor: Issue with access to FWP land on old road, house blocking it. FH Wildlife is trying to help rectify the situation. Crystal: pre-bid end of this month. Should be 20-25 contractors there.
 - Jim V. – McWenninger: EA out to acquire access. Lake Blaine: North end right of way continues to be issue. East side landowners want to restore access through their land. Lower Clark Fork: 2 accesses going through.
- Darryl Coverdell: – Echo Lake Access: getting ten times more use for ice fishing and fishing is great. North Shore: lease it out or leave it? May be option for hunting. Land for sell by Sportsman's Bridge – FYI.
 - Dave L./Jim W. /Paul S. – North Shore: short term will manage as WMA to attract birds. Small parking lot built this summer. Will mimic WPA rules. FH Land Trust & FWP working on more easements. Can be managed as mosaic. A project the Director's committed to.
- Tony A. – What's the status of CAC Alumni/the difference?
 - Jim S. – if meeting time is short, only active members may be surveyed. Great that Alumni still participate.
- Jon D. – Legislature?
 - Paul S. –Budget is straightened out. FWP didn't have big pro-active agenda. This has been an easier session than some.

-Next meeting agenda request: update on legislation, new FWP Commissioner.

-Next meeting date: early notice requested by members.

Meeting adjourned.